NOTIFICATION.

No LAW 221 LCR 1962, dated Bangalore, the 15th December 1962.

Ordered that the accompanying Notification No. G.S R. 1567, dated the 16th November 1962, of the Ministry of Transport and Communications (Department of Communications and Civil Aviation), amending the Indian Aircraft Rules, 1937, which has been published in the *Gazette of India*, Part II, Section 3, sub-section (i), dated the 24th November 1962, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

316 S. SRIPADARAJ, *Under Secy to Govt., L. D.*

GOVERNMENT OF INDIA.

MINISTRY OF TRANSPORT AND COMMUNICATIONS

(Department of Communications and Civil Aviation)

New Delhi, the 16th November, 1962.

G S R. 1567—In exercise of the powers conferred by section 5 of the Indian Aircraft Act, 1934 (22 of 1934), the Central Government hereby makes the following rules further to amend the Indian Aircraft Rules, 1937, the same having been previously published as required by section 14 of the said Act, namely —

1 These rules may be called the Indian Aircraft (Amendment) Rules, 1962.

2. In rule 5 of the Indian Aircraft Rules, 1937, (hereinafter referred to as the said rules), for the words "No persons shall fly", the words and figures "Subject to the provisions of rule 33, no person shall fly" shall be substituted.

3. In rule 17 of the said rules, for the words beginning with "any customs officer" and ending with "Air Force", the words "any customs officer, any commissioned officer of the Naval, Military or Air Force of the Union" shall be substituted.

4. For rule 26 of the said rules, the following rule shall be substituted namely —

"26 *Dropping of articles and descents by parachutes* —(1) No person shall drop or project or cause or permit to be dropped or projected from an aircraft in motion anything except ballast in the form of fine sand or water

Provided that nothing in this rule shall be construed as preventing—

(a) in an emergency, the dropping of liquid fuel,

(b) in an emergency, the dropping of cargo over areas where hazard to persons or property outside the aircraft is not thereby created,

(c) the dropping of message bags, smoke producing or other apparatus or materials dropped for the purpose of navigating an aircraft or communicating messages from an aircraft subject to the observance of such precautions as to the nature of the articles dropped and the place of dropping as will avoid risk of injuring persons or damaging property on the ground or water,

(d) the dropping of separate sheets of paper containing printed matter in any place if the written permission of the District Magistrate, or the Commissioner of Police is first obtained in each case,

(e) the dropping of ropes used for towing aircraft,

(2) No person shall, except in an emergency, descend by means of a parachute from an aircraft and no person shall drop or cause or permit to be dropped from an aircraft in flight any article, whether attached to a parachute or not, unless the descent is made or the article is dropped in accordance with and subject to any conditions or limitations contained in a general or special order of the Central Government in writing in that behalf"

5 For Part IV of the said rules, the following part shall be substituted, namely —

PART IV —*Registration and marking* of *aircraft*

30. *Certificate of Registration* —(1) The authority empowered to register aircraft and to grant certificates of registration in India shall be the Central Government

2) An aircraft may be registered in India in either of the following categories, namely —

(a) Category A—Where the aircraft is wholly owned either—

(i) by citizens of India, or

(ii) by a company or corporation registered and having its principal place of business within India and the Chairman

and at least two thirds of the directors of which are citizens of India, and

(b) Category B—Where the aircraft is wholly owned either—

(i) by persons resident in or carrying on business in India who are not citizens of India, or

(ii) by a company or corporation registered elsewhere than in India and carrying on business in India.

(3) No aircraft in respect of which the conditions required in sub-rule (2) are not satisfied, or which is already validly registered in another country, shall be registered in India

(4) In a case where the usual station of an aircraft and its ordinary area of operation are not situated in India, the Central Government may decline to accept an application for registration of the aircraft in India, or, as the case may be, to permit, the aircraft to remain registered in India, if, in its opinion, the aircraft could more suitably be registered in some other country

(5) In any particular case, the Central Government may decline to register an aircraft in India if, in the circumstances of the case, it appears to it to be inexpedient in the public interest that the aircraft should be so registered

(6) The registration of an aircraft registered in India may be cancelled at any time by the Central Government, if it is satisfied that the ownership of the aircraft is not as shown in the register or that such registration is not in conformity with the provisions of sub-rule (2) of this rule or that the aircraft could more suitably be registered in some other country or that it is inexpedient in the public interest that the aircraft should remain registered in India

31 *Nature of Application*—(1) Every application for a certificate of registration shall be accompanied by—

(a) such particulars relating to the aircraft and its ownership as may be required by the Central Government,

(b) the fee prescribed in rule 35, and

(c) in the case of an aircraft imported by air, a certificate signe by the Chief Customs Officer or Customs Collector that the customs duty leviable in respect of it has been paid and stating the type and manufacture's number of the aircraft and engine, and if the aircraft has been registered elsewhere, its registration markings

(2) An applicant for a certificate of registration may be required to produce pro f of the truth of the statements contained in his application.

32. *Aircraft imported by air*.—When an application is made for the registration of an aircraft before its import into India, for the purpose of the import of the aircraft by air a temporary certificate of registration may, subject to the conditions of sub-rule (3) of rule 30, be granted by the Central Government to the owner of the aircraft complying with clauses (a) and (b) of sub-rule (1) of rule 31 Such temporary certificate shall be valid only until the first landing of the aircraft at a customs aerodrome in India, when the certificate shall be delivered by the pilot or other person in charge to the local Aerodrome Officer. Thereafter, on production by or on behalf of the owner of the aircraft of the certificate mentioned in clause (c) of sub-rule (1) of rule 31, the certificate of registration may be granted by the Central Government

Provided that, if an aircraft in respect of which a temporary certificate of registration has been issued is imported otherwise than by air, such temporary certificate shall cease to be valid on the date of import of the aircraft and the temporary certificate shall forthwith be delivered by the owner to the Director-General, and thereafter the certificate f registration may be granted by the Central Government.

33. *Change in ownership*.—In the event of any change in the ownership of a registered aircraft, or if a registered aircraft ceases to be owned wholly either by persons or by a company or corporation fulfilling the conditions set out in rule 30, then—

(a) the registered owner of the aircraft shall forthwith notify to the Director-General such change of ownership, or as the case may be, that the aircraft has ceased to be so owned,

(b) any person, company or corporation who becomes the owner of an aircraft registered in India (hereinafter refrred to as the New Owner) shall forthwith inform the Director-General in writing of the fact of his ownership of the aircraft and may make an application for a certificate of registration, such application shall be made in such form and shall contain such particulars as the Director-General may direct Until such application is made and the certificate of registration is granted to the new owner, it shall not be lawful for any person to fly or assist in flying such aircraft except in accordance with and subject to a permission in writing of the Director-General,

(c) the registration and the certificate thereof shall remain valid until such registration and certificate have been cancelled by the Director General,

(d) the new owner shall be responsible for payment to the Central Government of any charges, such as landing, parking and housing charges, outstanding in respect of the aircraft, irrespective of whether or not such dues were incurred during

the period when the aircraft was registered in the name of such owner, provided that nothing herein shall absolve any person from liability to make payment to the Central Government of any charges such as landing, parking and housing charges which were incurred when such person was the registered owner of the aircraft

34. *Aircraft destroyed or withdrawn from use* —When a registered aircraft has been destroyed or permanently withdrawn from use, the person, company or corporation for the time being registered as owner of the aircraft, or, if that person is dead or that company or corporation is dissolved, his personal representative or its successor in title, as the case may be shall, as soon as possible notify the Director General accordingly, and the registration and the certificate thereof shall no lapse unless and until it is cancelled by the Director-General.

35 *Registration Fees* —(1) A fee of fifty rupees shall be payable in respect of a certificate of registration.

(2) Where the original certificate of registration is lost or destroyed a duplicate thereof may be issued on payment of a fee of ten rupees

(3) A fee of ten rupees shall be payable for the issue of a temporary certificate of registration referred to in rule 32.

36 *Register of aircraft* —The Register of aircraft registered in India shall be open to inspection by members of the public at such times and subject to such conditions as may be specified by the Director-General.

37 *Nationality and Registration Marks, how to be affixed* —The following provisions of this rule shall have effect with respect to the marks to be borne by aircraft registered in India —

(1) The nationality mark of the aircraft shall be the capital letters VT in Roman character and the registration mark shall be a group of three capital letters in Roman character assigned by the Director-General. The letters shall be without ornamentation and a hyphen shall be placed between the nationality mark and the registration mark.

(2) The nationality and registration marks—

(a) shall be painted on the aircraft or shall be affixed thereto by any other means ensuring a similar degree of permanency in the manner provided in Schedule X to these rules

(b) shall be inscribed together with full name and address of the registered owner of the aircraft, on a stainless steel plate affixed in a prominent position to the fuselage or, in the case of a balloon, to the car or basket, and near the main entrance of the aircraft, and

(c) shall always be kept clean and visible

37 A *Use of State Marks.*—(1) An aircraft shall not bear on any part of its exterior surface any advertisement or any sign or lettering except those under these rules and as required or permited by the Director-General

(2) The name of an aircraft and the name and emblems of the owner of the aircraft may be displayed on the aircraft if the location size, shape and colour of the lettering and signs do not interfere with easy recognition of, and are not capable of confusion with, the nationality and registration marks of the aircraft

(3) An aircraft other than a State aircraft shall not bear any mark or sign prescribed for use by a State aircraft

(4) National flags or colours may be displayed on the aircraft in such a manner that they are distinct and are not likely to create confusion with the markings used by military aircraft

6 In rule 45 of the said rules, for the words beginning with "when a licence has been granted" and ending with "in any foreign State", the words "when a licence has been granted by the duly competent authority in any foreign State" shall be substituted.

7 For rule 50 of the said rules, the following rule shall be substituted, namely :—

"50 *Acceptance of foreign standards.*—The Central Government may, in respect of any flying machine, accept as evidence of compliance with the conditions of Rule 49 a valid certificate of air worthiness issued by the duly competent authority in any foreign country, provided that it is shown to the satisfaction of the Central Government that the conditions on which such certificate of air wortbiness was granted are substantially equivalent to the conditions on which a certificate of air worthiness is granted in the United Kingdom "

8 In rule 81 of the said rules, for the words, "in the service of His Majesty", the words, "in the service of the Central Government" shall be substituted

9 In rule 83 of the said rules, for clauses (a) and (b), the following clauses shall be substituted, namely —

"(a) a citizen of India, or

(b) a company or a corporation registered and having its principal place of business in India "

10 In Schedule I to the said rules,

(a) in item (1), the brackets and figure 1 shall be omitted

(b) items (2) and (3) shall be omitted, and

(c) the Note at the bottom of the Schedule shall be omitted.

11. In paragraph 5 of Section E of Schedule III to the said rules, for the word "Royal" wherever it occurs, the word 'Indian" shall be substituted.

12 In Schedule VI to the said rules, for item 15 and the entries relating thereto, the following items and entries shall be substituted, namely —

"15	Prohibited areas Unauthorised flights over areas prohibited to aircraft	12	Imprisonment for term not exceeding three months or fine not exceeding Rs 1,000 or both."
15A	Contravention of rules relating to photography at Government aerodromes and from aircraft carriage in aircraft of cameras or other apparatus for recording photographic impressions, or tampering with the seal plated on such camera or apparatus or a bag containing such camera or apparatus by a customs officer or aerodrome officer or any other a person specially authorised by the Central Government.	13	13-A

13 After Schedule IX to the said rules, the following Schedule shall be inserted, namely—

"SCHEDULE X

(*See* Rule 37)

1. Nationality and registration marks to be painted on or affixed to aircraft registered in India—Subject to the provisions of paragraph 3 the nationality and registration marks shall be painted on the aircraft or shall be affixed thereto by any other means ensuring a similar degree of permanance, in the following manner, namely—

(a) Heavier-than air-Aircraft

(i) *Wings*—The marks shall appear once on the upper surface of the wing structure and once on the lower surface of the wing structure They shall be located on the right half of the upper surface and on the left half of the lower surface of the wing structure unless they extend across the whole of both the upper and the lower surface of the wing structure So far as is possible the marks shall be located equidistant from the leading and trailing edges of the wings The tops of the letters shall be towards the leading edge of the wing.

(ii) *Fuselage (or equivalent structure)*—The marks shall also appear either on each side of the fuselage (or equivalent structure) between the wings and the tail surfaces

(b) Lighter-than-air/Aircraft

(i) *Airships* —The marks shall appear on each side on the airship and also on the upper surface of the line of symmetry. They shall be located length–wise near the maximum cross-section of the air-ship.

(ii) *Spherical Balloons* —The marks shall appear in two places diametrically opposite They shall be located near the maximum horizontal circumference of the balloon

(iii) *Non-Spherical Balloons* —The marks shall appear on each side. They shall be located near the maximum cross section of the balloon immediately above either the rigging band or the points of attachment of the basket suspension cables

(iv) In the case of all airships and balloons the side marks shall be so placed as to be visible both from the sides and from the ground

2. Subject to the provision of paragraphs 3 and 4, the following provisions concerning the letters constituting the marks shall be complied with, namely—

(a) Heavier-than-air Aircraft—

(i) *Wings* —The letters constituting each group of marks shall be of equal height The height of the marks shall be at least 50 8 centimetres.

(ii) *Fuselage (or equivalent structure)*.—The marke on the fuselage (or equivalent structure) shall not interfere with the visible outlines of the fuselage (or equivalent structure) The letters constituting each group of marks shall be of equal height The height of the marks shall be at least 50 8 centimetres

(b) Lighter-than-air Aircraft—

The letters constituting each group of marks shall be of equal height The height of the marks shall be at least 50 8 centimetres

3. In cases where the constructional features of the aircraft do not admit of compliance with any of the provisions of paragraphs 1 and 2, the nationality and registration marks shall be affixed to the aircraft in such manner, and the letters constituting the marks shall be of such height, as may be approved by the Director-General.

4 (1) The width of each letter (except the letter I) and the length of the hyphen between the nationality mark and registration mark shall be two-thirds of the height of a letter.

(2) The letters and hyphen shall be formed by solid lines and shall be of a colour clearly contrasting throughout with the background on which they appear The thickness of these lines shall be one-sixth of the height of a letter.

(3) As nearly as the constructional features of the aircraft admit, each letter shall be separated from the letter which immediately precedes or follows it (the hyphen for this purpose being regarded as a letter) by a space equal to half the width of the individual letters

5. The nationality and registration marks shall be displayed to the best advantage, taking into consideration the constructional features of the aircraft "

[No. 10-A/14-50/AR/AM (8)]

K. GOPALAKRISHNAN, Dy. Secy.